



Ninety-Ninth Legislature - First Session - 2005  
**Introducer's Statement of Intent**  
**LB 633**

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**Chairperson:** Patrick J. Bourne  
**Committee:** Judiciary  
**Date of Hearing:** February 25, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 633 amends the Protection From Domestic Abuse Act by increasing protections for victims of abuse.

The bill adds the following new protections:

1. A petitioner may seek a protection order prohibiting any *third person* from acting under a respondent's direction. (page 6, line 23 to page 7, line 7)
2. A petitioner may seek a protection order awarding temporary possession to the petitioner of any animal or household pet. (page 7, lines 20 & 21)
3. A protection order shall clearly state that the order cannot be waived or nullified by the petitioner by inviting the respondent into that prohibited area. (page 7, lines 22-28)
4. A petitioner shall not be charged with a violation of a protection order originally requested by the petitioner. (page 7, line 28 to page 8, line 2, & page 8, line 18)
5. The court issuing a protection order shall not require a petitioner to appear in person at the time of filing the petition or receiving relief. (page 8, lines 6 to 10)
6. A petition for a protection order can only be modified by the order of the court and at the request of the petitioner. (page 8, line 27 to page 9, line 1)
7. A respondent may be awarded visitation of children. The court may restrict or deny visitation. (page 9, lines 2-17)
8. A respondent may be ordered to pay temporary child support. (page 9, lines 18-20)
9. A respondent may be ordered to pay restitution to the petitioner. (page 9, lines 21-23, & page 10 lines 6-9)
  - a. Restitution may be ordered to pay for loss of earnings and expenses, such as expenses for medical care and temporary housing. (page 9, lines 24-28)
  - b. Restitution may be ordered to pay public or private agencies for the cost of providing services. (page 10, lines 1-9)
10. A court may issue an order that a respondent shall not own, possess, purchase, or receive a firearm and shall surrender any certificate to procure a firearm if the court finds the respondent represents a credible threat to the petitioner. (page 10, lines 10-15)

- a. If the respondent is in court when the order is issued, the respondent shall remove all firearms within 24 hours. If the respondent is not present, the firearms shall be removed within 48 hours after the order is served. Within 72 hours after receiving the order, the respondent shall file an affidavit with the court stating the disposition of the firearms. Violation of this provision is a Class II misdemeanor. (page 10, line 16 to page 11, line 2)
  - b. To facilitate an order restricting possession of firearms, local law enforcement agencies are granted authority to store firearms, for cost. (page 11, lines 3-10)
11. A court must put in writing any specific grounds for denying a petition for a protection order. (page 11, lines 26-28)
12. A court may issue an ex parte emergency protection order to prevent abuse. Such an ex parte protection order may include a protection order and an order determining immediate and temporary care and control of a minor child of the endangered person. (page 12, line 7 to page 13, line 19)
13. Any peace officer authorized to enforce a protection order may personally serve the order upon the respondent. An order may also be served by any person over 18 years old who is not a party to the action. (page 16, line 13, to page 17, line 1)
14. A court may add conditions to a protection order, such as, ordering the respondent to vacate a residence or ordering the respondent from possessing alcohol or controlled substances. (page 18, line 4 to page 19, line 4)
15. If a court issues conditions of pretrial release for any person arrested or charged with domestic assault, the court shall distribute a copy of the order to any agency having custody of the person. (page 19, lines 5-20)

The following current protections in the law are amended.

1. Under current law the court may order a respondent to stay away from any place. That authority is amended to order the respondent to stay 100 yards or more from the petitioner and any place. (page 7, lines 11-13)
2. An order for temporary custody of minor children is currently 90 days. The bill increases that to 120 days. (page 7, lines 14 and 15)
3. Under current law a protection abuse order is effective for one year. The bill allows the court to issue an order for a longer period. (page 8, lines 14 and 15)
4. Current law requires all law enforcement agencies to provide officers employed by them with education and training about “the problems of domestic abuse” and “the services...available”. This bill requires the training to be done annually, with the proviso that each officer receive not less than four hours of such training. (page 17, lines 4-11)

Remaining amendments in the bill are technical in nature and are intended to harmonize various provisions in the bill and current law.

**Principal Introducer:**

**Senator Rich Pahls**